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09/706,012	11/03/2000	Marina Goodman	10022/089	6776

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EXAMINER

KHOSRAVAN, JIMAN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/08/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,012

Applicant(s)

GOODMAN ET AL.

Examiner

Jiman Khosravan

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 6, 7, 12, & 13.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawing Objections

2. Figures 5-13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. New corrected drawings are required in this application because they are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office

action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 22-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-56 of copending Application No. 09/706,012. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim an execution architecture layer.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

6. Claims 2-3, 5-7, 9-12, 14-16, 18-21, 26-27, 30, 32-40, 44-48, 50, and 53, are objected to because of the following informalities:

As per claims 2-3, 5-7, 9-12, 14-16, 18-21, 26-27, 30, 32-40, 44-48, 50, and 53, in the claims, it is suggested to delete “may be” and replace “may be” with ~is~ or ~are~.

Appropriate correction is required.

Claim Rejections ~ 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (US 6,289,382).

a) As per claim 1, Bowman-Amuah teaches an execution architecture for a netcentric computing system (Col. 31, lines 45-60), comprising a client connected with a server (Col. 1, lines 63-67; Col. 2, lines 1-10), wherein said client includes a presentation service, an information service, a communication service, a communication fabric service, a transaction service, an environment service and a business logic service (Figure 10, items 1000, 1002, 1016, 1022, 1006, 1012); and wherein said server includes a base service, said information service, said communication service, said communication fabric service, said transaction service, said environment service and said business logic service (Figure 10, items 1008, 1004, 1020, 1024, 1018, 1014).

b) As per claim 2, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the presentation service is selected from the group consisting of a desktop manager service, a direct manipulation service, a forms service, an input device service, a report and print service, a user

navigation service, a web browser service and a window system service (Figure 13, item 1300-1320; Col. 34, lines 55-67; Cols 35-38; Col. 39, lines 1-25).

c) As per claim 3, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the web browser service is selected from the group consisting of a browser extension service, a web browser form service and a web browser user navigation service (Figure 13, item 1308-1314; Col. 38, lines 22-67; Col. 39, lines 1-25).

d) As per claim 4, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the information services comprise database services and document services (Figure 14, item 1402 & 1416; Col. 48, lines 47-67; Col. 49, lines 1-7).

e) As per claim 5, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the database services are selected from the group consisting of a database storage service, a database indexing service, a database security service, a database access service and a database replication/synchronization service (Figure 14, item 1404, 1408, 1410, 1412, & 1414; Col. 48, lines 47-67; Col. 49, lines 1-7).

f) As per claim 6, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the document services are selected

from the group consisting of a document storage service, a document indexing service, a document security service, a document access service, a document replication/synchronization service and a document versioning service (Figure 14 item 1404, 1408, 1410, 1412, & 1414; Col. 48, lines 47-67; Col. 49, lines 1-7).

g) As per claim 7, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the communication service is selected from the group consisting of a messaging service, a communication security service, a virtual resource service and a directory service (Figure 15, items 1502, 1504, 1506, & 1508).

h) As per claim 8, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the messaging service comprises core messaging services and specialized messaging services (Figure 15, item 1506; Col. 65, lines 18-41).

i) As per claim 9, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the core messaging service is selected from the group consisting of a file transfer service, a remote procedure call service, a message-oriented service and a streaming service (Figure 15, items 1530-1536; Cols. 65-71).

j) As per claim 10, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the specialized messaging services are selected from the group consisting of an E-mail service, a database access messaging service, an object request broker messaging service, a computer-telephone integration messaging service, an electronic data interchange messaging service and a legacy integration messaging service (Figure 15, items 1540-1550; Cols. 65-71).

k) As per claim 11, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the communication security service is selected from the group consisting of an encryption service, an identification/authentication service and an access control service (Figure 15, items 1552-1556; Cols. 79-80).

l) As per claim 12, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the virtual resource service is selected from the group consisting of a fax service, a file sharing service, a paging service, a phone service, a terminal service, a printing service and an audio/video service (Figure 15, items 1510-1520).

m) As per claim 13, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the communications fabric service

comprises a transport service and a network media service (Figure 24, items 2402 & 2416).

n) As per claim 14, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the transport service is selected from the group consisting of a message transport service, a packet forwarding/Internetworking services, a circuit switching service, a transport security service, a network address allocation service and a quality of service (Figure 24, items 2404-2414).

o) As per claim 15, Bowman-Amuah teaches the claimed invention as described above and further teaches the network media service is selected from the group consisting of a media access service and a physical media access service (Figure 24, items 2418-2420).

p) As per claim 16, Bowman-Amuah teaches the claimed invention as described above and further teaches where the environment service is selected from the group consisting of a runtime service, a system service, an application service, a component framework service and an operating system service (Figure 27, items 2702, 2716, 2718, 2708, & "Operating System").

q) As per claim 17, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the runtime service comprises

language interpreter services and virtual machine services (Figure 27, items 2704 & 2706).

r) As per claim 18, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the system service may be selected from the group consisting of a system security service, a profile management service, an environment verification service and a task and memory management service (Figure 27, items 2708-2716).

s) As per claim 19, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the application service is selected from the group consisting of an application security service, an error handling/logging service, a state management service, a code table service, an active help service, a file service, an application integration interface service and a common service (Figure 27, items 2718-2734).

t) As per claim 20, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the transaction service is selected from the group consisting of a transaction monitor service, a resource management service, a transaction management service and a transaction partitioning service (Figure 26, items 2602-2608).

u) As per claim 21, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the base service is selected from the group consisting of a web server service, a push/pull service, a batch processing service, a report service and a workflow service (Figure 28; Col. 106, lines 8-67; Cols. 107-108; Col. 109, line 1).

v) As per claim 22, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the business logic service comprises interface logic, application logic and database abstraction (Figure 33, item 3300-3304; Col. 119, lines 24-49).

9. Claims 23-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (US 6,405,364).

a) As per claim 23, Bowman-Amuah teaches a development architecture for a netcentric computing system (Col. 2, lines 17-20), comprising a development organization framework layer (Figure 2A; Col. 10, lines 51-63), a development process framework layer (Col. 16, lines 9-50); and a development tools framework layer (Figure 10; Col. 44, lines 13-55).

b) As per claim 24, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the development organization

framework layer comprises an information management team, a quality team, an environment management team, a release management team, a configuration management team, a problem management team, a program and project management team and a security management team (Figure 2A, items 262-276; Col. 11, lines 30-40).

c) As per claim 25, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the development process framework layer comprises a system building service, a management process service, a security management process service, a quality management process service, a program and project management process service, an environment management process service, a release management process service, a configuration management process service and a problem management process service (Figure 2; Col. 16, lines 25-50)

d) As per claim 26, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the information process management service is selected from the group consisting of a repository management service, a folder management service, a media content management service and an object management service (Figure 2, items 202-208)

e) As per claim 27, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the environment process management service is selected from the group consisting of a managing change service, a service management service, a service planning service and a systems management service (Figure 2, items 220-226).

f) As per claim 28, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the systems building service comprises a analysis and design service, a reverse engineering service, a packaged component integration service, a construction service and test service (Figure 2, items 228-236).

g) As per claim 29, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the development tools framework layer comprises a system building tool, an information management tool, a security management tool, a quality management tool, a program and project management tool, an environment management tool, a release management tool, a productivity tool, a collaboration tool and a process integration tool (Figure 10; Col. 44, lines 23-55).

h) As per claim 30, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the collaboration tool is selected from

the group consisting of an e-mail tool, a team ware tool, a group scheduling tool, an audio/visual conference tool and a shared workplace system (Figure 2, items 238-244).

i) As per claim 31, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the information management tool is responsible for repository management, folder management, media content management and object management (Figure 2, items 202-208).

j) As per claim 32, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the quality management tool is selected from the group consisting of a metric tool, a statistical process control tool, a continuous improvement tool and a training tool (Figure 2, items 210, 212, 252, & 254).

k) As per claim 33, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the configuration management tool is selected from the group consisting of a version control tool, a change control tool and a migration control tool (Figure 2, items 214-218).

l) As per claim 34, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the environment management tool is selected from the group consisting of a service management tool, a systems

management tool, a managing change tool and a service planning tool (Figure 2, items 220-226).

m) As per claim 35, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the systems management tool is selected from the group consisting of a startup and shutdown tool, a back-up and restore tool, an archiving tool, a security tool and a performance and monitoring tool (Col. 32, lines 26-44).

n) As per claim 36, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the building tool is selected from the group consisting of an analysis and design tool, a reverse engineering tool, a package component integration tool, a construction tool and a test tool (Figure 12, items 1102-1106, "Query & Analysis," & "Reverse Engineering").

o) As per claim 37, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the analysis and design tool may be selected from the group consisting of a data modeling tool, a process modeling tool, an event modeling tool, a performance modeling tool, a object modeling tool, a component modeling tool, a reuse support tool, a prototyping tool, an application logic design tool, a database design tool, a presentation design tool, a communication design tool and a usability test tool (Col. 2, lines 17-54).

p) As per claim 38, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the reverse engineering tool is selected from the group consisting of an interactive navigation tool, a graphical representation tool, an extraction tool, a repository population tool, a restructuring tool and a data name rationalization tool (Col. 2, lines 17-54).

q) As per claim 39, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the construction tool is selected from the group consisting of a source code editor, a compiler/linker/interpreter, a generation tool, a debugging tool, a quality assurance utility, a code/object library tool and a media content creation tool (Col. 2, lines 17-54).

r) As per claim 40, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the test tool is selected from the group consisting of a test data management tool, a test data manipulation tool, a test planning tool, a test execution tool, a performance management tool, an emulation tool, a test result comparison tool, a test coverage management tool and a SIR management tool (Col. 2, lines 17-54).

s) As per claim 41, Bowman-Amuah teaches an operations architecture for a netcentric computing system (Col. 2, lines 16-29), comprising a operations integration architecture component, a network/systems management component

(Figure 13, items “Network Management,” & “Systems Management Planning”), a solution availability component (Figure 11, “Asset Catalogue”), a service management component (Figure 2, item 222), a configuration management component (Figure 2, “Configuration Management”), a physical site management component (Figure 13, item 1358 & 1340), an operations data architecture (Figure 11, item 1108), an operations execution architecture (Figure 4, item 402), and an operations development architecture (Figure 4, item 402).

t) As per claim 42, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the operations integration architecture comprises an integration framework (Figure 13, “Integration Platform”) and a monitoring component (Figure 13, item 1358).

u) As per claim 43, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the integration framework includes an applications program interface (Col. 9, lines 1-26) and an enterprise management console (Figure 13, item 1320; Col 111, lines 6-34).

v) As per claim 44, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the network/systems management component is selected from the group consisting of a network management tool (Figure 45, “Network Management”), a database management tool (Figure 45,

“Database Management”), an application management tool (Col. 2, liens 30-44), a production scheduling tool (Figure 13, “Production Scheduling”), an output/print management tool (Figure 13, “Print Management”) and a security management tool (Figure 13, “Security Management”).

w) As per claim 45, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the network management tool is selected from the group consisting of a network monitoring component and a network configuration management component (Figure 13, item 1362 & 1364).

x) As per claim 46, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the database management component is selected from the group consisting of a database performance monitoring service and a backup preparation service (Figure 13, item 1338).

y) As per claim 47, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the output/print management tool is selected from the group consisting of an output job and queue manager (Col. 116, lines 48-54: Print Queue), and a physical device manager (Figure 13, item 1356: “Hardware Management”).

z) As per claim 48, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the solutions availability component

may be selected from the group consisting of a backup/storage/recovery management component (Figure 13, item 1346) and a fail over management component (Figure 13, items 1310 & 1312).

aa) As per claim 49, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the backup/storage/recovery management component includes an enterprise manager component (Figure 13, item 1320; Col 111, lines 6-34) and a schedule (Figure 2, item 242) and automation component (Figure 10: "Productivity"; Col. 44, lines 59-67; Col. 45, lines 1-9).

bb) As per claim 50, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the service management component is selected from the group consisting of a service desk component (Figure 2, item 222), a capacity planning component (Figure 2, item 224), a user administration component (Figure 13, item 1134) and a service level management component (Figure 2, item 222).

cc) As per claim 51, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the service desk component includes a workflow automation service (Figure 2, item 250), a service desk database (Figure

2, item 222), an incident querying capability service (Figure 2, “Problem Management”) and a service desk reporting service (Figure 2, item 222).

dd) As per claim 52, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the capacity-planning component includes a data collection agent, a scenario modeling agent and a data capture agent (Figure 13, item 1314: Event/Data Generation; Col. 110, lines 49-65).

ee) As per claim 53, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the configuration management component is selected from the group consisting of a software distribution/file transfer component (Figure 13, item 1352), an asset management component (Figure 11, “Asset Catalogue;” Col. 126, lines 40-48), a change control component (Col. 126, lines 25-30), a migration control component (Col 129, lines 50-60) and a systems configuration management component (Figure 13, item 1334: “System Component Configuration”).

ff) As per claim 54, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the asset management component includes inventory management tools and license management tools (Col. 126, lines 40-48).

gg) As per claim 55, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the change control component includes a change control workflow automation application, a change control database and a change control reporting service (Col. 126, lines 25-48).

hh) As per claim 56, Bowman-Amuah teaches the claimed invention as described above and further teaches wherein the physical site management component includes a UPS/generator component, a raised floor, a fire suppression and climate control system, a plurality of wiring/cabling and a disaster recovery component (Figure 13, item 1360-1364; Col. 138, lines 21-50).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiman Khosravan whose telephone number is (703) 305-0704. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Communication via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rupal.dharia@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jiman Khosravan
Examiner
Art Unit 2141

April 1, 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER